IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

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CIVIL SECOND APPEAL No. 257 of 2007

RAMESHWAR LAL
V/S
GANPAT LAL & ANR.

Mr. J GEHLOT, for the appellant / petitioner

Date of Order : 3.7.2007

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the appellant.

The suit has been filed for recovery of a sum of Rs.12,000/-, which was decreed by learned trial Court against defendant No.2, and was dismissed as against defendant No.1. However, in appeal, the learned lower Appellate Court has dismissed the suit. Deciding issue No.2, it has been found, that the amount of Rs.12,000/- was paid, out of which stamps were purchased for 3000/- rupees, and then draft was prepared any number of times, the lawyer inspected the site etc. Thus, it has been found that the plaintiff is not entitled to refund of amount of Rs.12,000/- paid to the lawyer.

In my view, this is a pure finding of fact, and does not require any interference.

It is a different story that in view of the valuation of the suit, according to the provisions of section 102 C.P.C. second appeal would not have lain, but only revision could lay. However, considering the case from any standpoint, I do not find any sufficient ground to interfere.

The appeal is, therefore, dismissed summarily.

( N P GUPTA ),J.

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